

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Anthony J. Cilwa,)	
)	
Appellant,)	Civil Action No. 8:16-mc-74-TMC
)	
v.)	ORDER
)	
John K. Fort,)	
)	
Appellee.)	
)	

Appellant Anthony J. Cilwa, proceeding pro se, filed a motion seeking to appeal an order from the Bankruptcy Court. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for handling. Before the court is the Magistrate Judge’s Report and Recommendation (“Report”), recommending that Appellant’s motion to file an appeal be denied for his failure to respond to an Order to Show Cause (ECF No. 4). (ECF No. 13). The parties were advised of his right to file objections to the Report. (ECF No. 13-1). However, no objections have been filed to the Report, and the time to do so has now run. In fact, and as noted in the Report, Appellant has indicated to the Bankruptcy Court that he is no longer pursuing this appeal. (ECF No. 13 at 2).¹

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond*

¹*See In re Cilwa*, C/A No. 7:16-cv-1301-TMC-JDA, ECF No. 13-1 at 7 n.15).

v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the Report and the record in this case, the court adopts the Magistrate Judge's Report (ECF No. 13) and incorporates it herein. Accordingly, Appellant's Motion to File an Appeal (ECF No. 1) is **DENIED**.

IT IS SO ORDERED.

s/Timothy M. Cain
Timothy M. Cain
United States District Judge

Anderson, South Carolina
December 14, 2016

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.